

Vernon's Annotated Missouri Statutes

Title XXX. Domestic Relations

Chapter 452. Dissolution of Marriage, Divorce, Alimony and Separate Maintenance (Refs & Annos)

Dissolution of Marriage (Refs & Annos)

V.A.M.S. 452.340

452.340. Child support--relevant factors--abatement and termination--change
of custody--college expenses--guidelines and use thereof--retroactive support

Effective: August 28, 2011

[Currentness](#)

1. In a proceeding for dissolution of marriage, legal separation or child support, the court may order either or both parents owing a duty of support to a child of the marriage to pay an amount reasonable or necessary for the support of the child, including an award retroactive to the date of filing the petition, without regard to marital misconduct, after considering all relevant factors including:

- (1) The financial needs and resources of the child;
- (2) The financial resources and needs of the parents;
- (3) The standard of living the child would have enjoyed had the marriage not been dissolved;
- (4) The physical and emotional condition of the child, and the child's educational needs;
- (5) The child's physical and legal custody arrangements, including the amount of time the child spends with each parent and the reasonable expenses associated with the custody or visitation arrangements; and
- (6) The reasonable work-related child care expenses of each parent.

2. The obligation of the parent ordered to make support payments shall abate, in whole or in part, for such periods of time in excess of thirty consecutive days that the other parent has voluntarily relinquished physical custody of a child to the parent ordered to pay child support, notwithstanding any periods of visitation or temporary physical and legal or physical or legal custody pursuant to a judgment of dissolution or legal separation or any modification thereof. In a IV-D case, the family support division may determine the amount of the abatement pursuant to this subsection for any child support order and shall record the amount of abatement in the automated child support system record established pursuant to chapter 454. If the case is not a IV-D case and upon court order, the circuit clerk shall record the amount of abatement in the automated child support system record established in chapter 454.

3. Unless the circumstances of the child manifestly dictate otherwise and the court specifically so provides, the obligation of a parent to make child support payments shall terminate when the child:

- (1) Dies;
 - (2) Marries;
 - (3) Enters active duty in the military;
 - (4) Becomes self-supporting, provided that the custodial parent has relinquished the child from parental control by express or implied consent;
 - (5) Reaches age eighteen, unless the provisions of subsection 4 or 5 of this section apply; or
 - (6) Reaches age twenty-one, unless the provisions of the child support order specifically extend the parental support order past the child's twenty-first birthday for reasons provided by subsection 4 of this section.
4. If the child is physically or mentally incapacitated from supporting himself and insolvent and unmarried, the court may extend the parental support obligation past the child's eighteenth birthday.

5. If when a child reaches age eighteen, the child is enrolled in and attending a secondary school program of instruction, the parental support obligation shall continue, if the child continues to attend and progresses toward completion of said program, until the child completes such program or reaches age twenty-one, whichever first occurs. If the child is enrolled in an institution of vocational or higher education not later than October first following graduation from a secondary school or completion of a graduation equivalence degree program and so long as the child enrolls for and completes at least twelve hours of credit each semester, not including the summer semester, at an institution of vocational or higher education and achieves grades sufficient to reenroll at such institution, the parental support obligation shall continue until the child completes his or her education, or until the child reaches the age of twenty-one, whichever first occurs. To remain eligible for such continued parental support, at the beginning of each semester the child shall submit to each parent a transcript or similar official document provided by the institution of vocational or higher education which includes the courses the child is enrolled in and has completed for each term, the grades and credits received for each such course, and an official document from the institution listing the courses which the child is enrolled in for the upcoming term and the number of credits for each such course. When enrolled in at least twelve credit hours, if the child receives failing grades in half or more of his or her courseload in any one semester, payment of child support may be terminated and shall not be eligible for reinstatement. Upon request for notification of the child's grades by the noncustodial parent, the child shall produce the required documents to the noncustodial parent within thirty days of receipt of grades from the education institution. If the child fails to produce the required documents, payment of child support may terminate without the accrual of any child support arrearage and shall not be eligible for reinstatement. If the circumstances of the child manifestly dictate, the court may waive the October first deadline for enrollment required by this subsection. If the child is enrolled in such an institution, the child or parent obligated to pay support may petition the court to amend the order to direct the obligated parent to make the payments directly to the child. As used in this section, an **“institution of vocational education”** means any postsecondary training or schooling for which the student is assessed a fee and attends classes regularly. **“Higher education”** means any community college, college, or university at which the child attends classes regularly. A child who has been diagnosed with a developmental disability, as defined in [section 630.005](#), or whose physical disability or diagnosed health problem limits the child's ability to carry the number of credit hours prescribed in this subsection, shall remain eligible for child support so long as such child is enrolled in and attending an institution of vocational or higher

education, and the child continues to meet the other requirements of this subsection. A child who is employed at least fifteen hours per week during the semester may take as few as nine credit hours per semester and remain eligible for child support so long as all other requirements of this subsection are complied with.

6. The court shall consider ordering a parent to waive the right to claim the tax dependency exemption for a child enrolled in an institution of vocational or higher education in favor of the other parent if the application of state and federal tax laws and eligibility for financial aid will make an award of the exemption to the other parent appropriate.

7. The general assembly finds and declares that it is the public policy of this state that frequent, continuing and meaningful contact with both parents after the parents have separated or dissolved their marriage is in the best interest of the child except for cases where the court specifically finds that such contact is not in the best interest of the child. In order to effectuate this public policy, a court with jurisdiction shall enforce visitation, custody and child support orders in the same manner. A court with jurisdiction may abate, in whole or in part, any past or future obligation of support and may transfer the physical and legal or physical or legal custody of one or more children if it finds that a parent has, without good cause, failed to provide visitation or physical and legal or physical or legal custody to the other parent pursuant to the terms of a judgment of dissolution, legal separation or modifications thereof. The court shall also award, if requested and for good cause shown, reasonable expenses, attorney's fees and court costs incurred by the prevailing party.

8. The Missouri supreme court shall have in effect a rule establishing guidelines by which any award of child support shall be made in any judicial or administrative proceeding. Said guidelines shall contain specific, descriptive and numeric criteria which will result in a computation of the support obligation. The guidelines shall address how the amount of child support shall be calculated when an award of joint physical custody results in the child or children spending equal or substantially equal time with both parents and the directions and comments and any tabular representations of the directions and comments for completion of the child support guidelines and a subsequent form developed to reflect the guidelines shall reflect the ability to obtain up to a fifty percent adjustment or credit below the basic child support amount for joint physical custody or visitation as described in subsection 11 of this section. The Missouri supreme court shall publish child support guidelines and specifically list and explain the relevant factors and assumptions that were used to calculate the child support guidelines. Any rule made pursuant to this subsection shall be reviewed by the promulgating body not less than once every four years to ensure that its application results in the determination of appropriate child support award amounts.

9. There shall be a rebuttable presumption, in any judicial or administrative proceeding for the award of child support, that the amount of the award which would result from the application of the guidelines established pursuant to subsection 8 of this section is the correct amount of child support to be awarded. A written finding or specific finding on the record in a judicial or administrative proceeding that the application of the guidelines would be unjust or inappropriate in a particular case, after considering all relevant factors, including the factors set out in subsection 1 of this section, is required if requested by a party and shall be sufficient to rebut the presumption in the case. The written finding or specific finding on the record shall detail the specific relevant factors that required a deviation from the application of the guidelines.

10. Pursuant to this or any other chapter, when a court determines the amount owed by a parent for support provided to a child by another person, other than a parent, prior to the date of filing of a petition requesting support, or when the director of the family support division establishes the amount of state debt due pursuant to subdivision (2) of [subsection 1 of section 454.465](#), the court or director shall use the guidelines established pursuant to subsection 8 of this section. The amount of child support resulting from the application of the guidelines shall be applied retroactively for a period prior to the establishment of a support order and the length of the period of retroactivity shall be left to the discretion of the court or director. There shall be a rebuttable presumption that the amount resulting from application of the guidelines under subsection 8 of this section constitutes the amount owed by the parent for the period prior to the date of the filing of the petition for support or the period for which state

debt is being established. In applying the guidelines to determine a retroactive support amount, when information as to average monthly income is available, the court or director may use the average monthly income of the noncustodial parent, as averaged over the period of retroactivity, in determining the amount of presumed child support owed for the period of retroactivity. The court or director may enter a different amount in a particular case upon finding, after consideration of all relevant factors, including the factors set out in subsection 1 of this section, that there is sufficient cause to rebut the presumed amount.

11. The court may award child support in an amount that provides up to a fifty percent adjustment below the basic child support amount authorized by the child support guidelines described under subsection 8 of this section for custody awards of joint physical custody where the child or children spend equal or substantially equal time with both parents.

12. The obligation of a parent to make child support payments may be terminated as follows:

(1) Provided that the state case registry or child support order contains the child's date of birth, the obligation shall be deemed terminated without further judicial or administrative process when the child reaches age twenty-one if the child support order does not specifically require payment of child support beyond age twenty-one for reasons provided by subsection 4 of this section;

(2) The obligation shall be deemed terminated without further judicial or administrative process when the parent receiving child support furnishes a sworn statement or affidavit notifying the obligor parent of the child's emancipation in accordance with the requirements of [subsection 4 of section 452.370](#), and a copy of such sworn statement or affidavit is filed with the court which entered the order establishing the child support obligation, or the family support division for an order entered under [section 454.470](#);

(3) The obligation shall be deemed terminated without further judicial or administrative process when the parent paying child support files a sworn statement or affidavit with the court which entered the order establishing the child support obligation, or the family support division for an order entered under [section 454.470](#), stating that the child is emancipated and reciting the factual basis for such statement; which statement or affidavit is served by the court or division, as applicable, on the child support obligee; and which is either acknowledged and affirmed by the child support obligee in writing, or which is not responded to in writing within thirty days of receipt by the child support obligee;

(4) The obligation shall be terminated as provided by this subdivision by the court which entered the order establishing the child support obligation, or the family support division for an order entered under [section 454.470](#), when the parent paying child support files a sworn statement or affidavit with the court which entered the order establishing the child support obligation, or the family support division, as applicable, stating that the child is emancipated and reciting the factual basis for such statement; and which statement or affidavit is served by the court or division, as applicable, on the child support obligee. If the obligee denies the statement or affidavit, the court or division shall thereupon treat the sworn statement or affidavit as a request for hearing and shall proceed to hear and adjudicate such request for hearing as provided by law; provided that the court may require the payment of a deposit as security for court costs and any accrued court costs, as provided by law, in relation to such request for hearing. When the division receives a request for hearing, the hearing shall be held in the manner provided by [section 454.475](#).

13. The court may enter a judgment terminating child support pursuant to subdivisions (1) to (3) of subsection 12 of this section without necessity of a court appearance by either party. The clerk of the court shall mail a copy of a judgment terminating child support entered pursuant to subsection 12 of this section on both the obligor and obligee parents. The supreme court may

promulgate uniform forms for sworn statements and affidavits to terminate orders of child support obligations for use pursuant to subsection 12 of this section and [subsection 4 of section 452.370](#).

Credits

(L.1973, p. 470, H.B. No. 315, § 9, eff. Jan. 1, 1974. Amended by [L.1988, H.B. Nos. 1272, 1273 & 1274, § A](#); L.1989, 1st Ex. Sess., H.B. No. 2, § A, eff. July 27, 1989; [L.1990, S.B. No. 834, § A](#); [L.1993, S.B. No. 253, § A](#); [L.1994, H.B. Nos. 1491 & 1134, § A](#), eff. July 1, 1994; [L.1995, S.B. No. 174, § A](#); [L.1997, S.B. No. 361, § A](#), eff. July 1, 1997; [L.1998, S.B. No. 910, § A](#); [L.1999, S.B. No. 291, § A](#), eff. July 1, 1999; [L.1999, S.B. Nos. 1, 92, 111, 129 & 222, § A](#); [L.2005, S.B. Nos. 420 & 344, § A](#); [L.2007, S.B. No. 25, § A](#); [L.2010, H.B. Nos. 1692, 1209, 1405, 1499, 1535, & 1811, § A](#); [L.2011, H.B. No. 111, § A](#).)

[Notes of Decisions \(1403\)](#)

V. A. M. S. 452.340, MO ST 452.340

Statutes are current with emergency legislation approved through July 1, 2013, of the 2013 First Regular Session of the 97th General Assembly. Constitution is current through the November 6, 2012 General Election.

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Vernon's Annotated Missouri Statutes

Title XXX. Domestic Relations

Chapter 452. Dissolution of Marriage, Divorce, Alimony and Separate Maintenance (Refs & Annos)

Dissolution of Marriage (Refs & Annos)

V.A.M.S. 452.370

452.370. Modification of maintenance or support judgments--relevant factors--burden or proof--death or remarriage--emancipation of child--parties--jurisdiction--change of address--process--custody issues

Currentness

1. Except as otherwise provided in [subsection 6 of section 452.325](#), the provisions of any judgment respecting maintenance or support may be modified only upon a showing of changed circumstances so substantial and continuing as to make the terms unreasonable. In a proceeding for modification of any child support or maintenance judgment, the court, in determining whether or not a substantial change in circumstances has occurred, shall consider all financial resources of both parties, including the extent to which the reasonable expenses of either party are, or should be, shared by a spouse or other person with whom he or she cohabits, and the earning capacity of a party who is not employed. If the application of the child support guidelines and criteria set forth in [section 452.340](#) and applicable supreme court rules to the financial circumstances of the parties would result in a change of child support from the existing amount by twenty percent or more, a prima facie showing has been made of a change of circumstances so substantial and continuing as to make the present terms unreasonable, if the existing amount was based upon the presumed amount pursuant to the child support guidelines.
2. When the party seeking modification has met the burden of proof set forth in subsection 1 of this section, the child support shall be determined in conformity with criteria set forth in [section 452.340](#) and applicable supreme court rules.
3. Unless otherwise agreed in writing or expressly provided in the judgment, the obligation to pay future statutory maintenance is terminated upon the death of either party or the remarriage of the party receiving maintenance.
4. Unless otherwise agreed in writing or expressly provided in the judgment, provisions for the support of a child are terminated by emancipation of the child. The parent entitled to receive child support shall have the duty to notify the parent obligated to pay support of the child's emancipation and failing to do so, the parent entitled to receive child support shall be liable to the parent obligated to pay support for child support paid following emancipation of a minor child, plus interest.
5. If a parent has made an assignment of support rights to the division of family services on behalf of the state as a condition of eligibility for benefits pursuant to the Temporary Assistance for Needy Families program and either party initiates a motion to modify the support obligation by reducing it, the state of Missouri shall be named as a party to the proceeding. The state shall be served with a copy of the motion by sending it by certified mail to the director of the division of child support enforcement.
6. The court shall have continuing personal jurisdiction over both the obligee and the obligor of a court order for child support or maintenance for the purpose of modifying such order. Both obligee and obligor shall notify, in writing, the clerk of the court in which the support or maintenance order was entered of any change of mailing address. If personal service of the motion cannot be had in this state, the motion to modify and notice of hearing shall be served outside the state as provided by supreme court rule 54.14. The order may be modified only as to support or maintenance installments which accrued subsequent to the

date of personal service. For the purpose of [42 U.S.C. 666\(a\)\(9\)\(C\)](#), the circuit clerk shall be considered the “appropriate agent” to receive notice of the motion to modify for the obligee or the obligor, but only in those instances in which personal service could not be had in this state.

7. If a responsive pleading raising the issues of custody or visitation is filed in response to a motion to modify child support filed at the request of the division of child support enforcement by a prosecuting attorney or circuit attorney or an attorney under contract with the division, such responsive pleading shall be severed upon request.

8. Notwithstanding any provision of this section which requires a showing of substantial and continuing change in circumstances, in a IV-D case filed pursuant to this section by the division of child support enforcement as provided in [section 454.400](#), the court shall modify a support order in accordance with the guidelines and criteria set forth in supreme court rule 88.01 and any regulations thereunder if the amount in the current order differs from the amount which would be ordered in accordance with such guidelines or regulations.

Credits

(L.1973, p. 189, H.B. No. 315, § 15, eff. Jan. 1, 1974. Amended by L.1982, p. 641, S.B. No. 468, § A; L.1986, H.B. No. 1479, § 1; L.1987, H.B. No. 484, § A, eff. July 15, 1987; [L.1988, H.B. Nos. 1272, 1273 & 1274, § A](#); [L.1990, S.B. No. 834, § A](#); [L.1993, S.B. No. 253, § A](#); [L.1994, H.B. Nos. 1491 & 1134, § A](#), eff. July 1, 1994; [L.1997, S.B. No. 361, § A](#), eff. July 1, 1997; [L.1998, S.B. No. 910, § A](#).)

[Notes of Decisions \(1500\)](#)

V. A. M. S. 452.370, MO ST 452.370

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Title XXX. Domestic Relations

Chapter 452. Dissolution of Marriage, Divorce, Alimony and Separate Maintenance (Refs & Annos)

Dissolution of Marriage (Refs & Annos)

V.A.M.S. 452.375

452.375. Custody of children--standard--relevant factors--public policy--parental exchange of information--preferences--joint custody--access to records--domestic violence

Effective: August 28, 2011

[Currentness](#)

1. As used in this chapter, unless the context clearly indicates otherwise:

(1) **“Custody”** means joint legal custody, sole legal custody, joint physical custody or sole physical custody or any combination thereof;

(2) **“Joint legal custody”** means that the parents share the decision-making rights, responsibilities, and authority relating to the health, education and welfare of the child, and, unless allocated, apportioned, or decreed, the parents shall confer with one another in the exercise of decision-making rights, responsibilities, and authority;

(3) **“Joint physical custody”** means an order awarding each of the parents significant, but not necessarily equal, periods of time during which a child resides with or is under the care and supervision of each of the parents. Joint physical custody shall be shared by the parents in such a way as to assure the child of frequent, continuing and meaningful contact with both parents;

(4) **“Third-party custody”** means a third party designated as a legal and physical custodian pursuant to subdivision (5) of subsection 5 of this section.

2. The court shall determine custody in accordance with the best interests of the child. The court shall consider all relevant factors including:

(1) The wishes of the child's parents as to custody and the proposed parenting plan submitted by both parties;

(2) The needs of the child for a frequent, continuing and meaningful relationship with both parents and the ability and willingness of parents to actively perform their functions as mother and father for the needs of the child;

(3) The interaction and interrelationship of the child with parents, siblings, and any other person who may significantly affect the child's best interests;

(4) Which parent is more likely to allow the child frequent, continuing and meaningful contact with the other parent;

- (5) The child's adjustment to the child's home, school, and community;
- (6) The mental and physical health of all individuals involved, including any history of abuse of any individuals involved. If the court finds that a pattern of domestic violence as defined in [section 455.010](#) has occurred, and, if the court also finds that awarding custody to the abusive parent is in the best interest of the child, then the court shall enter written findings of fact and conclusions of law. Custody and visitation rights shall be ordered in a manner that best protects the child and any other child or children for whom the parent has custodial or visitation rights, and the parent or other family or household member who is the victim of domestic violence from any further harm;
- (7) The intention of either parent to relocate the principal residence of the child; and
- (8) The wishes of a child as to the child's custodian. The fact that a parent sends his or her child or children to a home school, as defined in [section 167.031](#), shall not be the sole factor that a court considers in determining custody of such child or children.
3. (1) In any court proceedings relating to custody of a child, the court shall not award custody or unsupervised visitation of a child to a parent if such parent or any person residing with such parent has been found guilty of, or pled guilty to, any of the following offenses when a child was the victim:
- (a) A felony violation of [section 566.030](#), [566.032](#), [566.040](#), [566.060](#), [566.062](#), [566.064](#), [566.067](#), [566.068](#), [566.070](#), [566.083](#), [566.090](#), [566.100](#), [566.111](#), [566.151](#), [566.203](#), [566.206](#), [566.209](#), [566.212](#), or [566.215](#);
- (b) A violation of [section 568.020](#);
- (c) A violation of subdivision (2) of [subsection 1 of section 568.060](#);
- (d) A violation of [section 568.065](#);
- (e) A violation of [section 568.080](#);
- (f) A violation of [section 568.090](#); or
- (g) A violation of [section 568.175](#).
- (2) For all other violations of offenses in chapters 566 and 568 not specifically listed in subdivision (1) of this subsection or for a violation of an offense committed in another state when a child is the victim that would be a violation of chapter 566 or 568 if committed in Missouri, the court may exercise its discretion in awarding custody or visitation of a child to a parent if such parent or any person residing with such parent has been found guilty of, or pled guilty to, any such offense.

4. The general assembly finds and declares that it is the public policy of this state that frequent, continuing and meaningful contact with both parents after the parents have separated or dissolved their marriage is in the best interest of the child, except for cases where the court specifically finds that such contact is not in the best interest of the child, and that it is the public policy of this state to encourage parents to participate in decisions affecting the health, education and welfare of their children, and to resolve disputes involving their children amicably through alternative dispute resolution. In order to effectuate these policies, the court shall determine the custody arrangement which will best assure both parents participate in such decisions and have frequent, continuing and meaningful contact with their children so long as it is in the best interests of the child.

5. Prior to awarding the appropriate custody arrangement in the best interest of the child, the court shall consider each of the following as follows:

(1) Joint physical and joint legal custody to both parents, which shall not be denied solely for the reason that one parent opposes a joint physical and joint legal custody award. The residence of one of the parents shall be designated as the address of the child for mailing and educational purposes;

(2) Joint physical custody with one party granted sole legal custody. The residence of one of the parents shall be designated as the address of the child for mailing and educational purposes;

(3) Joint legal custody with one party granted sole physical custody;

(4) Sole custody to either parent; or

(5) Third-party custody or visitation:

(a) When the court finds that each parent is unfit, unsuitable, or unable to be a custodian, or the welfare of the child requires, and it is in the best interests of the child, then custody, temporary custody or visitation may be awarded to any other person or persons deemed by the court to be suitable and able to provide an adequate and stable environment for the child. Before the court awards custody, temporary custody or visitation to a third person under this subdivision, the court shall make that person a party to the action;

(b) Under the provisions of this subsection, any person may petition the court to intervene as a party in interest at any time as provided by supreme court rule.

6. If the parties have not agreed to a custodial arrangement, or the court determines such arrangement is not in the best interest of the child, the court shall include a written finding in the judgment or order based on the public policy in subsection 4 of this section and each of the factors listed in subdivisions (1) to (8) of subsection 2 of this section detailing the specific relevant factors that made a particular arrangement in the best interest of the child. If a proposed custodial arrangement is rejected by the court, the court shall include a written finding in the judgment or order detailing the specific relevant factors resulting in the rejection of such arrangement.

7. Upon a finding by the court that either parent has refused to exchange information with the other parent, which shall include but not be limited to information concerning the health, education and welfare of the child, the court shall order the parent to comply immediately and to pay the prevailing party a sum equal to the prevailing party's cost associated with obtaining the requested information, which shall include but not be limited to reasonable attorney's fees and court costs.

8. As between the parents of a child, no preference may be given to either parent in the awarding of custody because of that parent's age, sex, or financial status, nor because of the age or sex of the child.

9. Any judgment providing for custody shall include a specific written parenting plan setting forth the terms of such parenting plan arrangements specified in [subsection 7 of section 452.310](#). Such plan may be a parenting plan submitted by the parties pursuant to [section 452.310](#) or, in the absence thereof, a plan determined by the court, but in all cases, the custody plan approved and ordered by the court shall be in the court's discretion and shall be in the best interest of the child.

10. Unless a parent has been denied custody rights pursuant to this section or visitation rights under [section 452.400](#), both parents shall have access to records and information pertaining to a minor child, including, but not limited to, medical, dental, and school records. If the parent without custody has been granted restricted or supervised visitation because the court has found that the parent with custody or any child has been the victim of domestic violence, as defined in [section 455.010](#), by the parent without custody, the court may order that the reports and records made available pursuant to this subsection not include the address of the parent with custody or the child. Unless a parent has been denied custody rights pursuant to this section or visitation rights under [section 452.400](#), any judgment of dissolution or other applicable court order shall specifically allow both parents access to such records and reports.

11. Except as otherwise precluded by state or federal law, if any individual, professional, public or private institution or organization denies access or fails to provide or disclose any and all records and information, including, but not limited to, past and present dental, medical and school records pertaining to a minor child, to either parent upon the written request of such parent, the court shall, upon its finding that the individual, professional, public or private institution or organization denied such request without good cause, order that party to comply immediately with such request and to pay to the prevailing party all costs incurred, including, but not limited to, attorney's fees and court costs associated with obtaining the requested information.

12. An award of joint custody does not preclude an award of child support pursuant to [section 452.340](#) and applicable supreme court rules. The court shall consider the factors contained in [section 452.340](#) and applicable supreme court rules in determining an amount reasonable or necessary for the support of the child.

13. If the court finds that domestic violence or abuse, as defined in [section 455.010](#) has occurred, the court shall make specific findings of fact to show that the custody or visitation arrangement ordered by the court best protects the child and the parent or other family or household member who is the victim of domestic violence, as defined in [section 455.010](#), and any other children for whom such parent has custodial or visitation rights from any further harm.

Credits

(L.1973, p. 189, H.B. No. 315, § 16, eff. Jan. 1, 1974. Amended by L.1982, p. 641, S.B. No. 468, § A; L.1983, p. 783, S.B. No. 94, § 1; L.1984, p. 732, H.B. No. 1513, § 1; L.1986, H.B. No. 1479, § 1; [L.1988, H.B. Nos. 1272, 1273 & 1274, § A](#); [L.1989, H.B. No. 422, § A](#); [L.1990, H.B. Nos. 1370, 1037 & 1084, § A](#); [L.1993, S.B. No. 180, § A](#); [L.1995, S.B. No. 174, § A](#); [L.1998, S.B. No. 910, § A](#); [L.2004, H.B. No. 1453, § A](#); [L.2005, H.B. No. 568, § A](#); [L.2011, S.B. No. 320, § A](#).)

[Notes of Decisions \(1414\)](#)

V. A. M. S. 452.375, MO ST 452.375

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Chapter 452. Dissolution of Marriage, Divorce, Alimony and Separate Maintenance (Refs & Annos)

Dissolution of Marriage (Refs & Annos)

V.A.M.S. 452.376

452.376. School progress records--receipt of by noncustodial or joint custody
parent--exclusion of address of custodial parent or child--school administrative fee

Currentness

1. Unless a noncustodial parent has been denied visitation rights under [section 452.400](#), such noncustodial parent or any parent who has joint custody of a child shall, upon request and payment of an administrative fee sufficient to cover the cost, receive any deficiency slips, report cards or pertinent progress reports regarding that child's progress in school. If a noncustodial parent has been granted restricted or supervised visitation because the court has found that the custodial parent or the child has been the victim of domestic violence or abuse, as defined in [sections 455.010](#) and [455.501](#) by the noncustodial parent, the court may order that the reports and records made available pursuant to this subsection not include the address of the custodial parent or the child.
2. School districts shall annually set an administrative fee estimated to cover the costs of preparing, copying and mailing the student information required to be provided pursuant to this section.

Credits

([L.1989, H.B. No. 422, § A](#)(§ 1). Amended by [L.1993, S.B. No. 180, § A](#); [L.1998, S.B. No. 910, § A](#).)

V. A. M. S. 452.376, MO ST 452.376

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Vernon's Annotated Missouri Statutes

Title XXX. Domestic Relations

Chapter 452. Dissolution of Marriage, Divorce, Alimony and Separate Maintenance (Refs & Annos)

Dissolution of Marriage (Refs & Annos)

V.A.M.S. 452.377

452.377. Relocation of children

Currentness

1. For purposes of this section and [section 452.375](#), “**relocate**” or “**relocation**” means a change in the principal residence of a child for a period of ninety days or more, but does not include a temporary absence from the principal residence.
2. Notice of a proposed relocation of the residence of the child, or any party entitled to custody or visitation of the child, shall be given in writing by certified mail, return receipt requested, to any party with custody or visitation rights. Absent exigent circumstances as determined by a court with jurisdiction, written notice shall be provided at least sixty days in advance of the proposed relocation. The notice of the proposed relocation shall include the following information:
 - (1) The intended new residence, including the specific address and mailing address, if known, and if not known, the city;
 - (2) The home telephone number of the new residence, if known;
 - (3) The date of the intended move or proposed relocation;
 - (4) A brief statement of the specific reasons for the proposed relocation of a child, if applicable; and
 - (5) A proposal for a revised schedule of custody or visitation with the child, if applicable.
3. A party required to give notice of a proposed relocation pursuant to subsection 2 of this section has a continuing duty to provide a change in or addition to the information required by this section as soon as such information becomes known.
4. In exceptional circumstances where the court makes a finding that the health or safety of any adult or child would be unreasonably placed at risk by the disclosure of the required identifying information concerning a proposed relocation of the child, the court may order that:
 - (1) The specific residence address and telephone number of the child, parent or person, and other identifying information shall not be disclosed in the pleadings, notice, other documents filed in the proceeding or the final order except for an in camera disclosure;

(2) The notice requirements provided by this section shall be waived to the extent necessary to protect the health or safety of a child or any adult; or

(3) Any other remedial action the court considers necessary to facilitate the legitimate needs of the parties and the best interest of the child.

5. The court shall consider a failure to provide notice of a proposed relocation of a child as:

(1) A factor in determining whether custody and visitation should be modified;

(2) A basis for ordering the return of the child if the relocation occurs without notice; and

(3) Sufficient cause to order the party seeking to relocate the child to pay reasonable expenses and attorneys fees incurred by the party objecting to the relocation.

6. If the parties agree to a revised schedule of custody and visitation for the child, which includes a parenting plan, they may submit the terms of such agreement to the court with a written affidavit signed by all parties with custody or visitation assenting to the terms of the agreement, and the court may order the revised parenting plan and applicable visitation schedule without a hearing.

7. The residence of the child may be relocated sixty days after providing notice, as required by this section, unless a parent files a motion seeking an order to prevent the relocation within thirty days after receipt of such notice. Such motion shall be accompanied by an affidavit setting forth the specific factual basis supporting a prohibition of the relocation. The person seeking relocation shall file a response to the motion within fourteen days, unless extended by the court for good cause, and include a counter-affidavit setting forth the facts in support of the relocation as well as a proposed revised parenting plan for the child.

8. If relocation of the child is proposed, a third party entitled by court order to legal custody of or visitation with a child and who is not a parent may file a cause of action to obtain a revised schedule of legal custody or visitation, but shall not prevent a relocation.

9. The party seeking to relocate shall have the burden of proving that the proposed relocation is made in good faith and is in the best interest of the child.

10. If relocation is permitted:

(1) The court shall order contact with the nonrelocating party including custody or visitation and telephone access sufficient to assure that the child has frequent, continuing and meaningful contact with the nonrelocating party unless the child's best interest warrants ¹ otherwise; and

(2) The court shall specify how the transportation costs will be allocated between the parties and adjust the child support, as appropriate, considering the costs of transportation.

11. After August 28, 1998, every court order establishing or modifying custody or visitation shall include the following language: "Absent exigent circumstances as determined by a court with jurisdiction, you, as a party to this action, are ordered to notify, in writing by certified mail, return receipt requested, and at least sixty days prior to the proposed relocation, each party to this action of any proposed relocation of the principal residence of the child, including the following information:

(1) The intended new residence, including the specific address and mailing address, if known, and if not known, the city;

(2) The home telephone number of the new residence, if known;

(3) The date of the intended move or proposed relocation;

(4) A brief statement of the specific reasons for the proposed relocation of the child; and

(5) A proposal for a revised schedule of custody or visitation with the child.

Your obligation to provide this information to each party continues as long as you or any other party by virtue of this order is entitled to custody of a child covered by this order. Your failure to obey the order of this court regarding the proposed relocation may result in further litigation to enforce such order, including contempt of court. In addition, your failure to notify a party of a relocation of the child may be considered in a proceeding to modify custody or visitation with the child. Reasonable costs and attorney fees may be assessed against you if you fail to give the required notice."

12. Violation of the provisions of this section or a court order under this section may be deemed a change of circumstance under [section 452.410](#), allowing the court to modify the prior custody decree. In addition, the court may utilize any and all powers relating to contempt conferred on it by law or rule of the Missouri supreme court.

13. Any party who objects in good faith to the relocation of a child's principal ² residence shall not be ordered to pay the costs and attorney's fees of the party seeking to relocate.

Credits

(L.1984, p. 732, H.B. No. 1513, § 1 (§ 452.375 (§ 6).) Amended by [L.1998, S.B. No. 910, § A.](#))

[Notes of Decisions \(180\)](#)

Footnotes

¹ **Revisor's note:** Word "warrant" appears in original rolls.

² **Revisor's note:** Word "principle" appears in original rolls.

V. A. M. S. 452.377, MO ST 452.377

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Vernon's Annotated Missouri Statutes

Title XXX. Domestic Relations

Chapter 452. Dissolution of Marriage, Divorce, Alimony and Separate Maintenance (Refs & Annos)

Dissolution of Marriage (Refs & Annos)

V.A.M.S. 452.380

452.380. Temporary custody, motion for--dismissal of action, effect of

[Currentness](#)

1. A party to a custody proceeding may move for a temporary custody order. The motion must be supported by an affidavit. The court may award temporary custody after a hearing or, if there is no objection, solely on the basis of the affidavits.
2. If a proceeding for dissolution of marriage or legal separation is dismissed, any temporary custody order is vacated unless a parent or the child's custodian moves that the proceeding continue as a custody proceeding and the court finds, after a hearing, that the circumstances of the parents and the best interest of the child require that a custody decree be issued.

Credits

(L.1973, p. 470, H.B. No. 315, § 17, eff. Jan. 1, 1974.)

[Notes of Decisions \(23\)](#)

V. A. M. S. 452.380, MO ST 452.380

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Vernon's Annotated Missouri Statutes

Title XXX. Domestic Relations

Chapter 452. Dissolution of Marriage, Divorce, Alimony and Separate Maintenance (Refs & Annos)

Dissolution of Marriage (Refs & Annos)

V.A.M.S. 452.385

452.385. Child's wishes as to custodian, how determined

[Currentness](#)

The court may interview the child in chambers to ascertain the child's wishes as to his custodian and relevant matters within his knowledge. The court shall permit counsel to be present at the interview and to participate therein. The court shall cause a record of the interview to be made and to be made part of the record in the case.

Credits

(L.1973, p. 470, H.B. No. 315, § 18, eff. Jan. 1, 1974.)

[Notes of Decisions \(49\)](#)

V. A. M. S. 452.385, MO ST 452.385

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Vernon's Annotated Missouri Statutes

Title XXX. Domestic Relations

Chapter 452. Dissolution of Marriage, Divorce, Alimony and Separate Maintenance (Refs & Annos)

Dissolution of Marriage (Refs & Annos)

V.A.M.S. 452.390

452.390. Investigation and report on custodial arrangements for a child--how conducted--report due, when--material to be available to counsel and parties

Currentness

1. The court may order an investigation and report concerning custodial arrangements for the child. The investigation and report may be made by the county welfare office, the county juvenile officer, or any other competent person.
2. In preparing his report concerning a child, the investigator may consult any person who may have information about the child and his potential custodial arrangements. Upon order of the court, the investigator may refer the child to professional personnel for diagnosis. The investigator may consult with and obtain information from medical, psychiatric, or other expert persons who have served the child in the past without obtaining the consent of the parent or the child's custodian, but the child's consent must be obtained if he has reached the age of sixteen, unless the court finds that he lacks mental capacity to consent.
3. At least ten days prior to the hearing the investigator shall furnish his report to counsel and to any party not represented by counsel. No one else, including the court, shall be entitled thereto prior to the hearing. The investigator shall make available to counsel and to any party not represented by counsel an investigator's file of underlying data and reports, complete texts of diagnostic reports made to the investigator pursuant to the provisions of subsection 2, and the names and addresses of all persons whom the investigator has consulted. Any party to the proceeding may call as witnesses the investigator and any person whom the investigator has consulted.

Credits

(L.1973, H.B. No. 315, p. 470, § 19, eff. Jan. 1, 1974.)

Notes of Decisions (9)

V. A. M. S. 452.390, MO ST 452.390

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Vernon's Annotated Missouri Statutes

Title XXX. Domestic Relations

Chapter 452. Dissolution of Marriage, Divorce, Alimony and Separate Maintenance (Refs & Annos)

Dissolution of Marriage (Refs & Annos)

V.A.M.S. 452.395

452.395. Custody proceedings, priority, determinations by court--closed, when

Currentness

1. Custody proceedings shall receive priority in being set for hearing.
2. The court without a jury shall determine questions of law and fact. If it finds that a public hearing may be detrimental to the child's best interests, the court may exclude the public from a custody hearing, but may admit any person who has a direct and legitimate interest in the particular case.
3. If the court finds it necessary to protect the child's welfare that the record of any interview, report, investigation, or testimony in a custody proceeding be kept secret, the court may make an appropriate order sealing the record.

Credits

(L.1973, H.B. No. 315, p. 470, § 20, eff. Jan. 1, 1974. Amended by [L.1996, S.B. No. 869, § A.](#))

[Notes of Decisions \(6\)](#)

V. A. M. S. 452.395, MO ST 452.395

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Vernon's Annotated Missouri Statutes

Title XXX. Domestic Relations

Chapter 452. Dissolution of Marriage, Divorce, Alimony and Separate Maintenance (Refs & Annos)

Dissolution of Marriage (Refs & Annos)

V.A.M.S. 452.400

452.400. Visitation rights--parent without physical custody rights--hearing--alternative dispute resolution--findings--modification of visitation--supervised visitation--noncompliance--attorney fees and costs

Currentness

1. (1) A parent not granted custody of the child is entitled to reasonable visitation rights unless the court finds, after a hearing, that visitation would endanger the child's physical health or impair his or her emotional development. The court shall enter an order specifically detailing the visitation rights of the parent without physical custody rights to the child and any other children for whom such parent has custodial or visitation rights. In determining the granting of visitation rights, the court shall consider evidence of domestic violence. If the court finds that domestic violence has occurred, the court may find that granting visitation to the abusive party is in the best interests of the child.

(2) (a) The court shall not grant visitation to the parent not granted custody if such parent or any person residing with such parent has been found guilty of or pled guilty to any of the following offenses when a child was the victim:

a. A felony violation of [section 566.030](#), [566.032](#), [566.040](#), [566.060](#), [566.062](#), [566.064](#), [566.067](#), [566.068](#), [566.070](#), [566.083](#), [566.090](#), [566.100](#), [566.111](#), [566.151](#), [566.203](#), [566.206](#), [566.209](#), [566.212](#), or [566.215](#);

b. A violation of [section 568.020](#);

c. A violation of subdivision (2) of [subsection 1 of section 568.060](#);

d. A violation of [section 568.065](#);

e. A violation of [section 568.080](#);

f. A violation of [section 568.090](#); or

g. A violation of [section 568.175](#).

(b) For all other violations of offenses in chapters 566 and 568 not specifically listed in paragraph (a) of this subdivision or for a violation of an offense committed in another state when a child is the victim that would be a violation of chapter 566 or 568 if committed in Missouri, the court may exercise its discretion in granting visitation to a parent not granted custody if such parent or any person residing with such parent has been found guilty of, or pled guilty to, any such offense.

(3) The court shall consider the parent's history of inflicting, or tendency to inflict, physical harm, bodily injury, assault, or the fear of physical harm, bodily injury, or assault on other persons and shall grant visitation in a manner that best protects the child and the parent or other family or household member who is the victim of domestic violence, and any other children for whom the parent has custodial or visitation rights from any further harm.

(4) The court, if requested by a party, shall make specific findings of fact to show that the visitation arrangements made by the court best protect the child or the parent or other family or household member who is the victim of domestic violence, or any other child for whom the parent has custodial or visitation rights from any further harm.

2. (1) The court may modify an order granting or denying visitation rights whenever modification would serve the best interests of the child, but the court shall not restrict a parent's visitation rights unless it finds that the visitation would endanger the child's physical health or impair his or her emotional development.

(2) (a) In any proceeding modifying visitation rights, the court shall not grant unsupervised visitation to a parent if the parent or any person residing with such parent has been found guilty of or pled guilty to any of the following offenses when a child was the victim:

a. A felony violation of [section 566.030](#), [566.032](#), [566.040](#), [566.060](#), [566.062](#), [566.064](#), [566.067](#), [566.068](#), [566.070](#), [566.083](#), [566.090](#), [566.100](#), [566.111](#), [566.151](#), [566.203](#), [566.206](#), [566.209](#), [566.212](#), or [566.215](#);

b. A violation of [section 568.020](#);

c. A violation of subdivision (2) of [subsection 1 of section 568.060](#);

d. A violation of [section 568.065](#);

e. A violation of [section 568.080](#);

f. A violation of [section 568.090](#); or

g. A violation of [section 568.175](#).

(b) For all other violations of offenses in chapters 566 and 568 not specifically listed in paragraph (a) of this subdivision or for a violation of an offense committed in another state when a child is the victim that would be a violation of chapter 566 or 568 if committed in Missouri, the division may exercise its discretion regarding the placement of a child taken into the custody of the state in which a parent or any person residing in the home has been found guilty of, or pled guilty to, any such offense.

(3) When a court restricts a parent's visitation rights or when a court orders supervised visitation because of allegations of abuse or domestic violence, a showing of proof of treatment and rehabilitation shall be made to the court before unsupervised

visitation may be ordered. **“Supervised visitation”**, as used in this section, is visitation which takes place in the presence of a responsible adult appointed by the court for the protection of the child.

3. The court shall mandate compliance with its order by all parties to the action, including parents, children and third parties. In the event of noncompliance, the aggrieved person may file a verified motion for contempt. If custody, visitation or third-party custody is denied or interfered with by a parent or third party without good cause, the aggrieved person may file a family access motion with the court stating the specific facts which constitute a violation of the judgment of dissolution or legal separation. The state courts administrator shall develop a simple form for pro se motions to the aggrieved person, which shall be provided to the person by the circuit clerk. Clerks, under the supervision of a circuit clerk, shall explain to aggrieved parties the procedures for filing the form. Notice of the fact that clerks will provide such assistance shall be conspicuously posted in the clerk's offices. The location of the office where the family access motion may be filed shall be conspicuously posted in the court building. The performance of duties described in this section shall not constitute the practice of law as defined in [section 484.010](#). Such form for pro se motions shall not require the assistance of legal counsel to prepare and file. The cost of filing the motion shall be the standard court costs otherwise due for instituting a civil action in the circuit court.

4. Within five court days after the filing of the family access motion pursuant to subsection 3 of this section, the clerk of the court shall issue a summons pursuant to applicable state law, and applicable local or supreme court rules. A copy of the motion shall be personally served upon the respondent by personal process server as provided by law or by any sheriff. Such service shall be served at the earliest time and shall take priority over service in other civil actions, except those of an emergency nature or those filed pursuant to chapter 455. The motion shall contain the following statement in boldface type:

“PURSUANT TO SECTION 452.400, RSMO, YOU ARE REQUIRED TO RESPOND TO THE CIRCUIT CLERK WITHIN TEN DAYS OF THE DATE OF SERVICE. FAILURE TO RESPOND TO THE CIRCUIT CLERK MAY RESULT IN THE FOLLOWING:

(1) AN ORDER FOR A COMPENSATORY PERIOD OF CUSTODY, VISITATION OR THIRD-PARTY CUSTODY AT A TIME CONVENIENT FOR THE AGGRIEVED PARTY NOT LESS THAN THE PERIOD OF TIME DENIED;

(2) PARTICIPATION BY THE VIOLATOR IN COUNSELING TO EDUCATE THE VIOLATOR ABOUT THE IMPORTANCE OF PROVIDING THE CHILD WITH A CONTINUING AND MEANINGFUL RELATIONSHIP WITH BOTH PARENTS;

(3) ASSESSMENT OF A FINE OF UP TO FIVE HUNDRED DOLLARS AGAINST THE VIOLATOR;

(4) REQUIRING THE VIOLATOR TO POST BOND OR SECURITY TO ENSURE FUTURE COMPLIANCE WITH THE COURT'S ORDERS;

(5) ORDERING THE VIOLATOR TO PAY THE COST OF COUNSELING TO REESTABLISH THE PARENT-CHILD RELATIONSHIP BETWEEN THE AGGRIEVED PARTY AND THE CHILD; AND

(6) A JUDGMENT IN AN AMOUNT NOT LESS THAN THE REASONABLE EXPENSES, INCLUDING ATTORNEY'S FEES AND COURT COSTS ACTUALLY INCURRED BY THE AGGRIEVED PARTY AS A RESULT OF THE DENIAL OF CUSTODY, VISITATION OR THIRD-PARTY CUSTODY.”.

5. If an alternative dispute resolution program is available pursuant to [section 452.372](#), the clerk shall also provide information to all parties on the availability of any such services, and within fourteen days of the date of service, the court may schedule alternative dispute resolution.

6. Upon a finding by the court pursuant to a motion for a family access order or a motion for contempt that its order for custody, visitation or third-party custody has not been complied with, without good cause, the court shall order a remedy, which may include, but not be limited to:

(1) A compensatory period of visitation, custody or third-party custody at a time convenient for the aggrieved party not less than the period of time denied;

(2) Participation by the violator in counseling to educate the violator about the importance of providing the child with a continuing and meaningful relationship with both parents;

(3) Assessment of a fine of up to five hundred dollars against the violator payable to the aggrieved party;

(4) Requiring the violator to post bond or security to ensure future compliance with the court's access orders; and

(5) Ordering the violator to pay the cost of counseling to reestablish the parent-child relationship between the aggrieved party and the child.

7. The reasonable expenses incurred as a result of denial or interference with custody or visitation, including attorney's fees and costs of a proceeding to enforce visitation rights, custody or third-party custody, shall be assessed, if requested and for good cause, against the parent or party who unreasonably denies or interferes with visitation, custody or third-party custody. In addition, the court may utilize any and all powers relating to contempt conferred on it by law or rule of the Missouri supreme court.

8. Final disposition of a motion for a family access order filed pursuant to this section shall take place not more than sixty days after the service of such motion, unless waived by the parties or determined to be in the best interest of the child. Final disposition shall not include appellate review.

9. Motions filed pursuant to this section shall not be deemed an independent civil action from the original action pursuant to which the judgment or order sought to be enforced was entered.

Credits

(L.1973, H.B. No. 315, p. 470, § 21, eff. Jan. 1, 1974. Amended by L.1977, S.B. No. 430, p. 630, § 1; L.1982, p. 642, S.B. No. 468, § A; L.1983, S.B. No. 94, p. 783, § 1; L.1988, H.B. Nos. 1272, 1273 & 1274, § A; L.1989, H.B. No. 422, § A; L.1993, S.B. No. 180, § A; L.1995, S.B. No. 174, § A; L.1998, S.B. No. 910, § A; L.1999, S.B. Nos. 1, 92, 111, 129 & 222, § A; L.2004, H.B. No. 1453, § A; L.2005, H.B. No. 568, § A.)

[Notes of Decisions \(309\)](#)

V. A. M. S. 452.400, MO ST 452.400

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Vernon's Annotated Missouri Statutes

Title XXX. Domestic Relations

Chapter 452. Dissolution of Marriage, Divorce, Alimony and Separate Maintenance (Refs & Annos)

Dissolution of Marriage (Refs & Annos)

V.A.M.S. 452.404

452.404. Parenting plans, exchange at neutral location

Currentness

To ensure compliance with the parenting plans or court orders, the court may require parents, or parents may agree, to bring the minor children to a neutral location for the exchange pursuant to such plans or orders. Such location may include a center specifically established for such exchanges or an existing location suitable for such exchanges. A neutral third party may be present at each exchange to provide an accurate documentation of the compliance or noncompliance with the ordered exchange.

Credits

(L.1998, S.B. No. 910, § A(§ 5).)

V. A. M. S. 452.404, MO ST 452.404

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Vernon's Annotated Missouri Statutes

Title XXX. Domestic Relations

Chapter 452. Dissolution of Marriage, Divorce, Alimony and Separate Maintenance (Refs & Annos)

Dissolution of Marriage (Refs & Annos)

V.A.M.S. 452.405

452.405. Custodian to determine child's upbringing, exception--impact
on rights parent without legal custody--continued supervision, when

[Currentness](#)

1. Except as otherwise ordered by the court or agreed by the parties in writing at the time of the custody decree, the legal custodian may determine the child's upbringing, including his education, health care, and religious training, unless the court after hearing finds, upon motion by the parent without legal custody, that in the absence of a specific limitation of the legal custodian's authority the child's physical health would be endangered or his emotional development impaired.
2. The legal custodian shall not exercise legal custody in such a way as to significantly and detrimentally impact the other parent's visitation or custody rights.
3. The court may order the county welfare office or the county juvenile officer to exercise continuing supervision over the case.

Credits

(L.1973, p. 470, H.B. No. 315, § 22, eff. Jan. 1, 1974. Amended by [L.1998, S.B. No. 910, § A.](#))

[Notes of Decisions \(7\)](#)

V. A. M. S. 452.405, MO ST 452.405

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Vernon's Annotated Missouri Statutes

Title XXX. Domestic Relations

Chapter 452. Dissolution of Marriage, Divorce, Alimony and Separate Maintenance (Refs & Annos)

Dissolution of Marriage (Refs & Annos)

V.A.M.S. 452.410

452.410. Custody, decree, modification of, when

[Currentness](#)

1. Except as provided in subsection 2 of this section, the court shall not modify a prior custody decree unless it has jurisdiction under the provisions of [section 452.450](#) and it finds, upon the basis of facts that have arisen since the prior decree or that were unknown to the court at the time of the prior decree, that a change has occurred in the circumstances of the child or his custodian and that the modification is necessary to serve the best interests of the child. Notwithstanding any other provision of this section or [sections 452.375](#) and [452.400](#), any custody order entered by any court in this state or any other state prior to August 13, 1984, may, subject to jurisdictional requirements, be modified to allow for joint custody in accordance with [section 452.375](#), without any further showing.

2. If either parent files a motion to modify an award of joint legal custody or joint physical custody, each party shall be entitled to a change of judge as provided by supreme court rule.

Credits

(L.1973, p. 470, H.B. No. 315, § 23, eff. Jan. 1, 1974. Amended by L.1978, p. 689, H.B. No. 914, § A; L.1984, p. 733, H.B. No. 1513, § 1; [L.1990, H.B. Nos. 1370, 1037 & 1084, § A.](#))

[Notes of Decisions \(1034\)](#)

V. A. M. S. 452.410, MO ST 452.410

Statutes are current with emergency legislation approved through July 1, 2013, of the 2013 First Regular Session of the 97th General Assembly. Constitution is current through the November 6, 2012 General Election.

Vernon's Annotated Missouri Statutes

Title XXX. Domestic Relations

Chapter 452. Dissolution of Marriage, Divorce, Alimony and Separate Maintenance (Refs & Annos)

Dissolution of Marriage (Refs & Annos)

V.A.M.S. 452.411

452.411. Change of residence deemed grounds for modification of visitation or custody, when

[Currentness](#)

If either parent of a child changes his residence to another state, such change of residence of the parent shall be deemed a change of circumstances under [section 452.410](#), allowing the court to modify a prior visitation or custody decree.

Credits

(L.1988, H.B. Nos. 1272, 1273 & 1274, § 10. Amended by L.1998, S.B. No. 910, § A.)

[Notes of Decisions \(9\)](#)

V. A. M. S. 452.411, MO ST 452.411

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Vernon's Annotated Missouri Statutes

Title XXX. Domestic Relations

Chapter 452. Dissolution of Marriage, Divorce, Alimony and Separate Maintenance (Refs & Annos)

Dissolution of Marriage (Refs & Annos)

V.A.M.S. 452.412

452.412. Military service of parent not to be a basis for modification of a visitation or custody order--court order issued during deployment, effect of--hearing upon return from deployment

Effective: August 28, 2009

[Currentness](#)

1. A party's absence, relocation, or failure to comply with custody and visitation orders shall not, by itself, be sufficient to justify a modification of a custody or visitation order if the reason for the absence, relocation, or failure to comply is the party's activation to military service and deployment out-of-state.

2. For a party in active military service and deployed out-of-state, any court order:

(1) Issued or modified regarding child custody or visitation during the time of such out-of-state military deployment of the party, including as part of an entry of decree of dissolution of marriage or legal separation, shall be temporary in nature and shall not exceed the length of time of such deployment;

(2) Issued regarding ex parte adult or child orders of protection under [sections 455.010 to 455.085](#) or [sections 455.500 to 455.538](#), during the time of such out-of-state military deployment of the party, may be extended beyond the initial fifteen days required under [sections 455.040 and 455.516](#). Such orders issued under this subdivision shall be temporary in nature and shall not exceed the length of time of such deployment.

Upon such party's return from out-of-state military deployment, the party shall be given an opportunity to be heard on the child custody and visitation order or ex parte order of protection prior to a permanent order being entered by the court as to such issues. If the party in active military service knowingly and voluntarily signs a written waiver to the right to have such a hearing upon the party's return from out-of-state military deployment, the court may issue a permanent order on the issues under this section.

Credits

(L.2008, H.B. No. 1678, § A. Amended by L.2009, H.B. No. 427, § A.)

V. A. M. S. 452.412, MO ST 452.412

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Vernon's Annotated Missouri Statutes

Title XXX. Domestic Relations

Chapter 452. Dissolution of Marriage, Divorce, Alimony and Separate Maintenance (Refs & Annos)

Dissolution of Marriage (Refs & Annos)

V.A.M.S. 452.425

452.425. Custody or visitation orders, enforcement by sheriff or law enforcement officer

Currentness

Any court order for the custody of, or visitation with, a child may include a provision that the sheriff or other law enforcement officer shall enforce the rights of any person to custody or visitation unless the court issues a subsequent order pursuant to chapter ¹ 210, 211, 452 or 455, to limit or deny the custody of, or visitations with, the child. Such sheriff or law enforcement officer shall not remove a child from a person who has actual physical custody of the child unless such sheriff or officer is shown a court order or judgment which clearly and convincingly verifies that such person is not entitled to the actual physical custody of the child, and there are not other exigent circumstances that would give the sheriff or officer reasonable suspicion to believe that the child would be harmed or that the court order presented to the sheriff or officer may not be valid.

Credits

(L.1998, S.B. No. 910, § A(§ 8).)

Footnotes

¹ **Revisor's note:** The word "chapters" appears in original rolls.

V. A. M. S. 452.425, MO ST 452.425

Statutes are current with emergency legislation approved through July 1, 2013, of the 2013 First Regular Session of the 97th General Assembly. Constitution is current through the November 6, 2012 General Election.

Vernon's Annotated Missouri Statutes

Title XXX. Domestic Relations

Chapter 452. Dissolution of Marriage, Divorce, Alimony and Separate Maintenance (Refs & Annos)

Dissolution of Marriage (Refs & Annos)

V.A.M.S. 452.426

452.426. Determination of risk of international abduction of child, remedies

Effective: August 28, 2009

[Currentness](#)

If the judge determines that there is potential risk of international abduction of the child by either party, the judge may place any restraints on the parties or grant any remedies to either party that is necessary.

Credits

(L.2009, H.B. No. 481, § A.)

V. A. M. S. 452.426, MO ST 452.426

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